IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

FIRSTMERIT BANK, N.A.)
an Ohio corporation,)
Plaintiff,) 2:15-cv-333
v)
GEORGE L. MYRTER, ELEANOR MYRTER)
Pennsylvania residents and JL PROPERTIES,)
LLC Pennsylvania limited liability company)
Defendants.)
)
)
ORDER OF COU	RT

A federal court has a non-delegable duty to ensure that it may exercise subject-matter jurisdiction, even if jurisdiction is not contested by the parties. *Carlsberg Resources Corp. v. Cambria Sav. and Loan Ass'n*, 554 F.2d 1254, 1256-57 (3d Cir. 1977) (explaining that courts should narrowly construe diversity jurisdiction based on considerations of judicial economy and federalism/comity with the state courts). There must be complete diversity of citizenship of adversarial parties. *Zambelli Fireworks Mfg. Co. v. Wood*, 592 F.3d 412, 420 (3d Cir. 2010).

The Supreme Court has steadfastly refused to extend the corporate citizenship analysis to other forms of business entities in the diversity jurisdiction context. *See Carden v. Arkoma Assoc.*, 494 U.S. 185, 189 (1990) (tracing development of this doctrine). In *Zambelli*, the Court of Appeals for the Third Circuit held:

the citizenship of an LLC is determined by the citizenship of its members. And as with partnerships, where an LLC has, as one of its members, another LLC, "the citizenship of unincorporated associations must be traced through however many layers of partners or members there may be" to determine the citizenship of the LLC.

592 F.3d at 419-20 (citations omitted).

The Complaint filed by Plaintiff FirstMerit Bank, N.A. ("FirstMerit") does not plead

sufficient facts to satisfy the requirement of complete diversity of citizenship. Thus, the Court is

unable to determine whether jurisdiction is proper over this case, in accordance with the

principles set forth above.

The Complaint pleads that Defendant JL Properties, LLC is a Pennsylvania limited

liability company ("LLC") with an address in Slippery Rock, Pennsylvania. However, the

Complaint fails to plead any information about the citizenship of all of the members of the LLC.

AND NOW, this 12th day of March, 2015, it is hereby ORDERED that on or before

March 26, 2015, Plaintiff shall file a Declaration which fully establishes the Court's subject-

matter jurisdiction regarding this action.

BY THE COURT:

s/Terrence F. McVerry United States District Judge

Elizabeth L. Slaby, Esquire

cc:

Email: bslaby@clarkhill.com

2